

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7250

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDGAR SPENCER PHILLIPS,

Defendant - Appellant.

No. 02-7483

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDGAR SPENCER PHILLIPS,

Defendant - Appellant.

Appeals from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., District Judge. (CR-95-34, CA-01-17-5, CR-95-33, CA-01-16-5)

Submitted: December 19, 2002

Decided: December 31, 2002

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Edgar Spencer Phillips, Appellant Pro Se. Samuel Gerald Nazzaro,
Jr., Assistant United States Attorney, Wheeling, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Edgar Spencer Phillips seeks to appeal the district court's orders adopting the magistrate judge's report and recommendation and denying relief on his motions filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken to this court from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). As to claims dismissed by a district court solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 122 S.Ct. 318 (2001). We have reviewed the record and conclude substantially for the reasons stated by the district court* that Phillips has not satisfied either standard. See United States v. Phillips, Nos. CR-

* We note that Phillips' § 2255 motions were successive and unauthorized by this court under 28 U.S.C. § 2244 (2000).

95-34; CA-01-17-5 (N.D.W. Va. July 15, 2002) and Nos. CR-95-33; CA-01-16-5 (N.D.W. Va. July 17, 2002). Accordingly, we deny certificates of appealability and dismiss the appeals. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED